

**From:** ["Flannery-Keith, Erin" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=5BD351C4E79145438B3FA7A4CEF79665-FLANNERY,ERIN>](mailto:Flannery-Keith, Erin </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5BD351C4E79145438B3FA7A4CEF79665-FLANNERY,ERIN>)

**To:** [Hamilton](#)  
[Karen;Kaiser](#)  
[Russell](#)

**CC:** ["Downing, Donna" <Downing.Donna@epa.gov>](#)  
["Christensen, Damaris" <Christensen.Damaris@epa.gov>](#)  
["Hudiburgh, Gary" <Hudiburgh.Gary@epa.gov>](#)

**Date:** 12/3/2014 7:10:15 AM

**Subject:** RE: Question on waste treatment exclusion and jurisdictionof adjacent wetlands.

**Attachments:** [AM-06-B-01\\_rv1\[1\].pdf](#)  
[Climax Mine Presentation to EPA 10-06-14.pdf](#)  
[Location Map\\_201300045.pdf](#)  
[AJD Narrative-201300045.pdf](#)  
[Approved JD Form\\_201300045.pdf](#)  
[McNulty Gulch Facilities Narrative.pdf](#)

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Here are several maps and other documents that Toney and Erin Perkins have shared with us.

-Erin

Erin Flannery Keith  
U.S. Environmental Protection Agency  
Office of Wastewater Management  
Water Permits Division  
1200 Pennsylvania Ave. NW MC 4203M  
Washington, DC 20460  
[flannery-keith.erin@epa.gov](mailto:flannery-keith.erin@epa.gov)

202-566-0689

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**From:** Hamilton, Karen  
**Sent:** Wednesday, December 03, 2014 8:00 AM

**To:** Kaiser, Russell  
**Cc:** Flannery-Keith, Erin; Downing, Donna; Christensen, Damaris; Hudiburgh, Gary  
**Subject:** Re: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

I asked Toney to forward the maps. She may have sent them to Erin but I don't remember. Whoever can get them to Russ, please do. I would appreciate it if someone would please set up a meeting - preferably not t- weds noon which is OW review time.

Karen Hamilton  
EPA Region 8  
1595 Wynkoop St  
Denver, CO 80202  
303 312 6236

Tiny keyboard! Please forgive terse replies and misspellings.

On Dec 3, 2014, at 6:50 AM, Kaiser, Russell <[Kaiser.Russell@epa.gov](mailto:Kaiser.Russell@epa.gov)> wrote:

<image001.gif>

Thanks Erin – I would certainly be up for a call but would like to see some diagrams first, as noted below...

**Russell L. Kaiser**  
**Chief, Wetlands & Aquatic Resources Regulatory Branch**  
**1301 Constitution Ave., N.W.**  
**Room 7217M West Bldg.**  
**Washington, DC 20004**  
**P: 202.566.0963**

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**From:** Flannery-Keith, Erin  
**Sent:** Tuesday, December 02, 2014 11:15 AM  
**To:** Kaiser, Russell; Hamilton, Karen; Downing, Donna; Christensen, Damaris  
**Cc:** Goodin, John; Hudiburgh, Gary  
**Subject:** RE: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

ex. b5 - deliberative

Gary and I talked to Karen and Erin in Region 8 about this a few weeks ago, and [REDACTED]

[REDACTED] If there is another call on this, we would be happy to join.

Thanks,  
Erin

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**From:** Kaiser, Russell  
**Sent:** Monday, December 01, 2014 7:42 AM  
**To:** Hamilton, Karen; Downing, Donna; Christensen, Damaris  
**Cc:** Flannery-Keith, Erin; Goodin, John  
**Subject:** RE: Question on waste treatment exclusion and jurisdiction of adjacent wetlands.

ex. b5 - deliberative

Karen,

Yes, I agree that we should talk... I know donna is in training tues-thur and on cdo today. Friday would work for me but I will need donna to weigh in...

I am not surprised by corps position below – in the past, it has been interpreted that a WTE could not sever jurisdiction with the upstream waters and I have

[REDACTED]

[REDACTED]

I look forward to learning more about the specifics of the case...

Note that I have also included Erin on the chain as she was a WD ORISE on the jurisdiction team and currently works with the WTE in Brian Frazer's office... Thus, I would be very interested to hear her thoughts on the case as well...

Thanks!

Happy Holidays!!!

**Russell L. Kaiser**  
**Chief, Wetlands & Aquatic Resources Regulatory Branch**  
**1301 Constitution Ave., N.W.**  
**Room 7217M West Bldg.**  
**Washington, DC 20004**  
**P: 202.566.0963**

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**From:** Hamilton, Karen

**Sent:** Wednesday, November 26, 2014 1:54 PM

**To:** Kaiser, Russell; Downing, Donna; Christensen, Damaris

**Subject:** Question on waste treatment exclusion and jurisdiction of adjacent wetlands.      ex. b5 - deliberative

Hi all

We have been working with the Corps on a JD for wetlands at the Climax Molybdenum Mine near Leadville, CO. [REDACTED]

[REDACTED]

I know you all are overwhelmed with WOUS but if we could have 20-30 mins to talk through this with you and how to put it in writing for the Corps, given the expected appeal and lawsuit, it would be great. We will be meeting with the Corps again on the 17<sup>th</sup> of December.

Thanks and Happy Thanksgiving!

*Karen*

Karen Hamilton  
Chief, Aquatic Resource Protection and Accountability Unit  
US Environmental Protection Agency Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303 312 6236

Protect our Nation's waters



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**From:** Perkins, Erin  
**Sent:** Wednesday, November 26, 2014 7:52 AM  
**To:** Hamilton, Karen  
**Subject:** RE: Please articulate what we need the program to answer on climax

Hi –

ex. b5 - deliberative

We need to find out from HQ (Russ/Donna and OGC) whether [REDACTED]  
[REDACTED]  
[REDACTED]

If you could contact Russ and Donna and let them know that we need to get an answer to that question, I can get in touch with OGC. If Russ and Donna are available while you're out next week, I can talk with them if they have time and you are OK with me talking with them w/o you...

We also need to know whether they will be OK with us opining on this in writing and in what format. [REDACTED]  
[REDACTED]

Thanks!

Erin

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**From:** Hamilton, Karen  
**Sent:** Tuesday, November 25, 2014 2:47 PM  
**To:** Perkins, Erin  
**Subject:** Please articulate what we need the program to answer on climax

And I'll get it going.